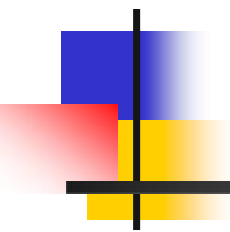
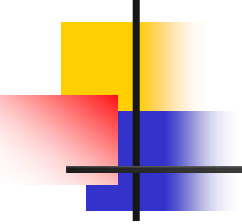


Kentucky's No Pass/No Drive Law (KRS 159.051)



Protocols and Procedures for
Schools Working with
Student Drivers



What is No Pass/No Drive?

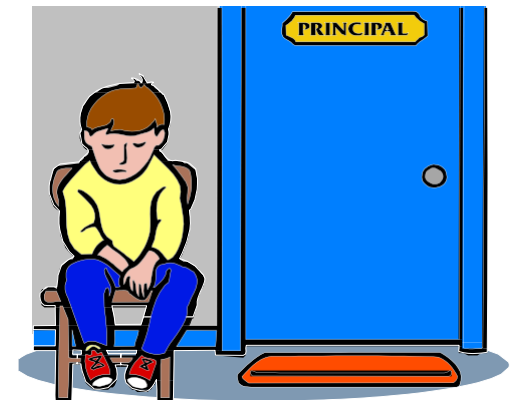
KRS 159.051:

- Affects all public/private/home schools in KY
- Only applies to 16 and 17-year-old students (does not apply to 18 year old students or high school graduates of any age)
- Attendance and grades from the previous semester of the school year are used to determine compliance or non-compliance to the law for students

Compliance to the No Drive Law

No Pass/No Drive results in the revocation of a student's drivers permit or license for any three different reasons:

1. Academic deficiency
2. Dropping out of school
3. Excessive unexcused absences





What is academically non-compliant?

The No Pass/No Drive law defines Academic Deficiency as a “student who does not have passing grades in at least four (4) courses, or the equivalent of four courses, in the preceding semester.”*

*KDE recommends that students pass 66% of their total courses (per semester) to be compliant with No Pass/No Drive.



Academic Deficiency Chart

(Recommended by KDE)*

<u>Courses Per Semester</u>	<u>Courses Students Need to Pass</u>
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4	3
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5	4
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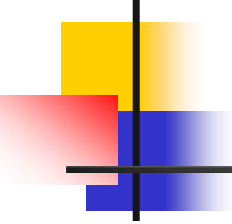
6	4
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7	5
---	---

8	6
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9	6
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10	7
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Does this law apply to all programs and students? YES.

- **“The local school board shall adopt a policy ... similar standard... for students in alternative, special education, or part-time programs.”**

The Kentucky School Boards Association (KSBA) has created a Model Policy:

www.ksba.org



Reporting

- If a student voluntarily leaves or withdraws from school, the school or district should report the student to the Division of Driver Licensing (via the electronic web portal).
- This report (via web portal) should occur immediately after the student drops out of school, not at the end of the semester.



What is the compliance cutoff for excessive absences”?

- A student with nine or more unexcused absences in one semester (including out-of-school suspensions) is considered non-compliant.
- Districts operating on trimesters can report after 6 unexcused absences per grading period/trimester.



When should you report them?

This report can be made immediately or at the end of the semester (per district's choice).

- Some school districts choose to use different configurations for semesters (i.e., trimesters)
- The school district can choose to report after each trimester if they prefer.
- Absences do not accumulate into the next semester (they start again at the beginning of the new semester at 0).



What happens after a student is reported as noncompliant?

The Transportation Cabinet will:

- Notify the student's parents by mail within 10 days that their driver's license or learner's permit has been revoked.
- Inform the student of the option of a "right of hearing" before the District Court where the court can reinstate a license due to "hardship factors".



What is a Hardship Waiver?

- It is an option designed for students who are teenage parents, who have no other transportation to work/school/medical, or have no other family members that can drive (creating a family hardship).
- Apply at the local District Court judge's office on "AOC Form 298" and the district judge makes the decision, not the school. (The school will abide by the court order)



How can students become compliant again?

The No Pass/No Drive law states:

- “A student... may reapply ... as early as the end of the next semester during which he/she... successfully completes the educational requirements.”
- KDE recommends that the student be in compliance (good standing) for a full semester before regaining driving privileges.



What if the student goes to summer school?

"A student may also reapply for his driver's license at the end of a summer school semester, which results in the student having passed at least four (4) courses (or 66%)...in the preceding spring semester, ... these courses may also meet the educational requirements for graduation."



How do new drivers apply for their learner's permit?

- All students must obtain a signed “**School Compliance Verification: KRS 159.051**” paper form from their school, verifying their compliance with the law.
- This form must be embossed with an official school seal containing “raised letters”.
- They should take this completed paper form to the courthouse in their **district of residence** to apply for the learner's permit.



What do private schools do?

- Private schools interact directly with the Department of Transportation and are granted access to the web portal.
- Private school questions? Contact Karen Keeling at DOT at 502-564-1257 or karen.keeling@ky.gov
- Home schools must get the required form from the public school district office where the **student resides**.



Q: What about religious schools? (Amish/Mennonite)

A: These religious schools operate on different schedules and standards than public schools (many graduate from the 8th grade). These students* need only provide proof of their completion/graduation from Amish/Mennonite school to the court clerk to apply for a driver's permit. No verification form is needed.

*Amish/Mennonite students attending public school will follow the law for public school students. (6/2014)



Q: What about a GED?

A: Students who have completed their GED need only provide proof of the *completed GED to the local court clerk to apply for a driver's permit.

*Students who are only studying for a GED must wait until they pass the test to be eligible to reapply for a permit/license.



Q: What about job training programs? (Job Corp, etc.)

A: Students in these programs must obtain the required verification form from the public school district office in the county where the program is located.

The job training center staff should complete the form for the student.



Q: What about online schools?

- A: Students that leave school and enroll in an online school should be treated the same as home school students.
- It is not our responsibility to verify their grades and attendance, so public schools should choose the "Home School Compliant" reporting option after they officially withdraw from school.



Q: What if a student attends an out-of-state school ?

A: They must get the form from the school district where they officially reside, and then take it to the out-of-state school representative to be signed (public or private).* They must then go to the circuit court clerk in their county of residence to apply for the learner's permit or license.

*This also applies to international students (please contact KDE with questions)



Q: How do schools report students on the web portal?

A: The Transportation Cabinet has established a web portal on the 'Ky.gov' website to allow for live electronic communication between schools and the Division of Driver Licensing.

The web portal is a secure site and only registered authorized users can access it.



Each school district should designate:

- (1) One District Coordinator with access to all information entered by schools in the district.
- (2) Up to three authorized users at each school; they will use the web portal to electronically report their noncompliant and compliant students.
- (3) Keep a list of all students marked noncompliant each semester. (KDE or the Department of Transportation does not keep a list of students.)



Q: How do users register to use the portal?

A: All “authorized users” for a school have to register on the web portal registration site:

[https://secure.kentucky.gov/portal/
registration.aspx](https://secure.kentucky.gov/portal/registration.aspx)

This includes choosing a “user name” and a password. If users forget their passwords, prompts will be available to help them remember or reset them.



Q: After registering, am I ready to use the portal?

A: NO. After registering and choosing a username and password, users must notify Sherri Clusky at KDE with their username to be “linked” to the DOT portal.

This involves calling (502)564-4772 or emailing her at: sherri.clusky@education.ky.gov



Q: How do schools access the web portal to report students?

A: Go to:

<https://secure.kentucky.gov/NoPassNoDrive>

When you log in with your registered username and password, it opens a screen that says:

'Welcome your name of the ?_ school district...

Next...



Q: What is on the portal?

**A: The School Compliance Verification:
KRS 159.051 form:**

The school uses this paper form to verify the student's compliance with the components of the No Pass/No Drive law for 1st time applicants for a learner's permit. If the student is not compliant, the school should not provide this completed and stamped form to the student.

Click Next...

The Web Portal will allow the district contact and/or school authorized users to electronically transfer student information to the Division of Driver Licensing. Student information will be entered on this screen.



Commonwealth of Kentucky

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Kentucky.gov > No Pass No Drive

No Pass No Drive

No Pass No Drive Student Reporting

Please complete the following information about the student you wish to report to the Kentucky Transportation Cabinet:

* Required Field

* First Name

* Last Name

* Date of Birth
Example: 12/25/1995

* Last 4 Digits of SSN

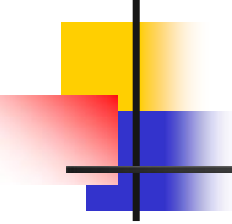
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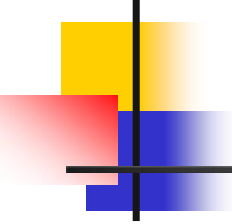


Kentucky Department of Transportation



Schools can use the web portal to communicate four different types of status change information.

1. Compliant Student (after previously being reported as noncompliant)
2. Noncompliant Student (for excessive absences/dropouts, or academic deficiency)
3. Correction (previous compliant or non-compliant status sent in error)
4. Home-schooled Compliant (use for students who left a school district to be home schooled).



Q: What if I get a message saying “record not found”?

A: One of these 3 things has occurred:

1. The school has entered incorrect student information (nicknames, incorrect SS#, etc.). Check your information and retry.
2. The student has not yet applied for a driver’s permit or license; therefore, the Division of Driver Licensing has no data on the student.
3. The student is 18 years of age or older. The law no longer applies.



Q: What happens after I report a student?

A: After a school has used the web portal to report a student as compliant or noncompliant, DOT automatically generates an official letter to the parents of the student within 10 days . The school may create and send its own version of a notification letter if desired (optional).

*Schools should keep a record of all students it reports during a school year. (KDE or DOT does not keep records of noncompliant students).



Q: Why would a school district report a Home-Schooled student?

A: They would be formerly enrolled public school students, who were reported as non-compliant, and then withdrew to be Home-Schooled. *

* The district reports these students to make them compliant again, and end its responsibility for that student; and because home schools do not have web portal access. (June 2008)



Q: What about online schools?

- A. The DOT does not accept diplomas from any of these programs unless they are accredited by the U.S. Dept. of Education.

- A. DOT does accept completed GED's.

Q: Do students have to pay a fee to reinstate their license of learner's permit?



A: No, a fee will not be required, unless the license has been suspended for one year (or more), and the student will have to take the written and eye exams again.



Q: What about time lost in the Graduated Licensing process?

A. Students pick up where they left off in the 'KY Graduated Licensing Process'. They do not get credit toward their license for the amount of time it was revoked due to KRS 159.051.



Q: What if a student turns 18 or graduates?

A: Then the law does not apply to them. It is the student's responsibility to go to the circuit court clerk's office to begin the process of having his/her driver's license reinstated (by showing proof of age or graduation).*

***Graduating students under age 18 may be made compliant by their school on the web portal.**



Q: What if an out-of-state student transfers to a Kentucky school?

A: When an out-of-state student transfers into a Kentucky school, the grades and unexcused absences from other states do not apply to Kentucky's No Pass/No Drive law.



Q: Does a student have to be enrolled in my school to be eligible for No Pass/No Drive?

A: Yes. A student must be officially enrolled in a school before absences (excused or unexcused) begin to accrue. New students' grades should be reviewed at the end of their first semester in the new school.



Q: What about returning dropouts?

A: The student should be in compliance for a full semester before the school notifies the Division of Driver Licensing to reinstate the license or permit.

Therefore, the returning student would be eligible to have his driver's license reinstated at the end of the first semester after reenrolling (if compliant for that entire semester).



Q: What's new about NPND?

- Beginning on January 1, 2012, an embossed school or district seal (with raised letters) is required on the School Compliance Verification: KRS 159.051 form for it to be valid.
- The active/current school verification compliance paper form should be the version dated Jan. 1, 2012.



For More Information on NPND:

Contact:

Kentucky Department of Education
Division of Student Success
(502) 564-4772